

AMENDMENT TO H.R. 5620
OFFERED BY MR. LIEU OF CALIFORNIA

Page 54, after line 2, insert the following:

1 **SEC. 11. AUTHORITY TO ENTER INTO CERTAIN LEASES AT**
2 **THE DEPARTMENT OF VETERANS AFFAIRS**
3 **WEST LOS ANGELES CAMPUS.**

4 (a) IN GENERAL.—The Secretary of Veterans Affairs
5 may carry out leases described in subsection (b) at the
6 Department of Veterans Affairs West Los Angeles Cam-
7 pus in Los Angeles, California (hereinafter in this section
8 referred to as the “Campus”).

9 (b) LEASES DESCRIBED.—Leases described in this
10 subsection are the following:

11 (1) Any enhanced-use lease of real property
12 under subchapter V of chapter 81 of title 38, United
13 States Code, for purposes of providing supportive
14 housing, as that term is defined in section 8161(3)
15 of such title, that principally benefit veterans and
16 their families.

17 (2) Any lease of real property for a term not to
18 exceed 50 years to a third party to provide services
19 that principally benefit veterans and their families

1 and that are limited to one or more of the following
2 purposes:

3 (A) The promotion of health and wellness,
4 including nutrition and spiritual wellness.

5 (B) Education.

6 (C) Vocational training, skills building, or
7 other training related to employment.

8 (D) Peer activities, socialization, or phys-
9 ical recreation.

10 (E) Assistance with legal issues and Fed-
11 eral benefits.

12 (F) Volunteerism.

13 (G) Family support services, including
14 child care.

15 (H) Transportation.

16 (I) Services in support of one or more of
17 the purposes specified in subparagraphs (A)
18 through (H).

19 (3) A lease of real property for a term not to
20 exceed 10 years to The Regents of the University of
21 California, a corporation organized under the laws of
22 the State of California, on behalf of its University of
23 California, Los Angeles (UCLA) campus (herein-
24 after in this section referred to as “The Regents”),
25 if—

1 (A) the lease is consistent with the master
2 plan described in subsection (g);

3 (B) the provision of services to veterans is
4 the predominant focus of the activities of The
5 Regents at the Campus during the term of the
6 lease;

7 (C) The Regents expressly agrees to pro-
8 vide, during the term of the lease and to an ex-
9 tent and in a manner that the Secretary con-
10 siders appropriate, additional services and sup-
11 port (for which The Regents is either not com-
12 pensated by the Secretary or is compensated
13 through an existing medical affiliation agree-
14 ment) that—

15 (i) principally benefit veterans and
16 their families, including veterans that are
17 severely disabled, women, aging, or home-
18 less; and

19 (ii) may consist of activities relating
20 to the medical, clinical, therapeutic, die-
21 tary, rehabilitative, legal, mental, spiritual,
22 physical, recreational, research, and coun-
23 seling needs of veterans and their families
24 or any of the purposes specified in any of

1 subparagraphs (A) through (I) of para-
2 graph (1); and

3 (D) The Regents maintains records docu-
4 menting the value of the additional services and
5 support that The Regents provides pursuant to
6 subparagraph (C) for the duration of the lease
7 and makes such records available to the Sec-
8 retary.

9 (c) LIMITATION ON LAND-SHARING AGREEMENTS.—
10 The Secretary may not carry out any land-sharing agree-
11 ment pursuant to section 8153 of title 38, United States
12 Code, at the Campus unless such agreement—

13 (1) provides additional health-care resources to
14 the Campus; and

15 (2) benefits veterans and their families other
16 than from the generation of revenue for the Depart-
17 ment of Veterans Affairs.

18 (d) REVENUES FROM LEASES AT THE CAMPUS.—
19 Any funds received by the Secretary under a lease de-
20 scribed in subsection (b) shall be credited to the applicable
21 Department medical facilities account and shall be avail-
22 able, without fiscal year limitation and without further ap-
23 propriation, exclusively for the renovation and mainte-
24 nance of the land and facilities at the Campus.

25 (e) EASEMENTS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law (other than Federal laws relating to
3 environmental and historic preservation), pursuant
4 to section 8124 of title 38, United States Code, the
5 Secretary may grant easements or rights-of-way on,
6 above, or under lands at the Campus to—

7 (A) any local or regional public transpor-
8 tation authority to access, construct, use, oper-
9 ate, maintain, repair, or reconstruct public
10 mass transit facilities, including, fixed guideway
11 facilities and transportation centers; and

12 (B) the State of California, County of Los
13 Angeles, City of Los Angeles, or any agency or
14 political subdivision thereof, or any public util-
15 ity company (including any company providing
16 electricity, gas, water, sewage, or telecommuni-
17 cation services to the public) for the purpose of
18 providing such public utilities.

19 (2) IMPROVEMENTS.—Any improvements pro-
20 posed pursuant to an easement or right-of-way au-
21 thorized under paragraph (1) shall be subject to
22 such terms and conditions as the Secretary considers
23 appropriate.

24 (3) TERMINATION.—Any easement or right-of-
25 way authorized under paragraph (1) shall be termi-

1 nated upon the abandonment or nonuse of the ease-
2 ment or right-of-way and all right, title, and interest
3 in the land covered by the easement or right-of-way
4 shall revert to the United States.

5 (f) PROHIBITION ON SALE OF PROPERTY.—Notwith-
6 standing section 8164 of title 38, United States Code, the
7 Secretary may not sell or otherwise convey to a third party
8 fee simple title to any real property or improvements to
9 real property made at the Campus.

10 (g) CONSISTENCY WITH MASTER PLAN.—The Sec-
11 retary shall ensure that each lease carried out under this
12 section is consistent with the draft master plan approved
13 by the Secretary on January 28, 2016, or successor mas-
14 ter plans.

15 (h) COMPLIANCE WITH CERTAIN LAWS.—

16 (1) LAWS RELATING TO LEASES AND LAND
17 USE.—If the Inspector General of the Department of
18 Veterans Affairs determines, as part of an audit re-
19 port or evaluation conducted by the Inspector Gen-
20 eral, that the Department is not in compliance with
21 all Federal laws relating to leases and land use at
22 the Campus, or that significant mismanagement has
23 occurred with respect to leases or land use at the
24 Campus, the Secretary may not enter into any lease
25 or land-sharing agreement at the Campus, or renew

1 any such lease or land-sharing agreement that is not
2 in compliance with such laws, until the Secretary
3 certifies to the Committee on Veterans' Affairs of
4 the Senate, the Committee on Veterans' Affairs of
5 the House of Representatives, and each Member of
6 the Senate and the House of Representatives who
7 represents the area in which the Campus is located
8 that all recommendations included in the audit re-
9 port or evaluation have been implemented.

10 (2) COMPLIANCE OF PARTICULAR LEASES.—

11 Except as otherwise expressly provided by this sec-
12 tion, no lease may be entered into or renewed under
13 this section unless the lease complies with chapter
14 33 of title 41, United States Code, and all Federal
15 laws relating to environmental and historic preserva-
16 tion.

17 (i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary shall establish a Community Veterans En-
21 gagement Board (in this subsection referred to as
22 the “Board”) for the Campus to coordinate locally
23 with the Department of Veterans Affairs to—

24 (A) identify the goals of the community;

25 and

1 (B) provide advice and recommendations
2 to the Secretary to improve services and out-
3 comes for veterans, members of the Armed
4 Forces, and the families of such veterans and
5 members.

6 (2) MEMBERS.—The Board shall be comprised
7 of a number of members that the Secretary deter-
8 mines appropriate, of which not less than 50 percent
9 shall be veterans. The nonveteran members shall be
10 family members of veterans, veteran advocates, serv-
11 ice providers, or stakeholders.

12 (3) COMMUNITY INPUT.— In carrying out sub-
13 paragraphs (A) and (B) of paragraph (1), the Board
14 shall—

15 (A) provide the community opportunities to
16 collaborate and communicate with the Board,
17 including by conducting public forums on the
18 Campus; and

19 (B) focus on local issues regarding the De-
20 partment that are identified by the community,
21 including with respect to health care, benefits,
22 and memorial services at the Campus.

23 (j) NOTIFICATION AND REPORTS.—

24 (1) CONGRESSIONAL NOTIFICATION.—With re-
25 spect to each lease or land-sharing agreement in-

1 tended to be entered into or renewed at the Campus,
2 the Secretary shall notify the Committee on Vet-
3 erans' Affairs of the Senate, the Committee on Vet-
4 erans' Affairs of the House of Representatives, and
5 each Member of the Senate and the House of Rep-
6 resentatives who represents the area in which the
7 Campus is located of the intent of the Secretary to
8 enter into or renew the lease or land-sharing agree-
9 ment not later than 45 days before entering into or
10 renewing the lease or land-sharing agreement.

11 (2) ANNUAL REPORT.—Not later than one year
12 after the date of the enactment of this Act, and not
13 less frequently than annually thereafter, the Sec-
14 retary shall submit to the Committee on Veterans'
15 Affairs of the Senate, the Committee on Veterans'
16 Affairs of the House of Representatives, and each
17 Member of the Senate and the House of Representa-
18 tives who represents the area in which the Campus
19 is located an annual report evaluating all leases and
20 land-sharing agreements carried out at the Campus,
21 including—

22 (A) an evaluation of the management of
23 the revenue generated by the leases; and

24 (B) the records described in subsection
25 (b)(3)(D).

1 (3) INSPECTOR GENERAL REPORT.—

2 (A) IN GENERAL.—Not later than each of
3 two years and five years after the date of the
4 enactment of this Act, and as determined nec-
5 essary by the Inspector General of the Depart-
6 ment of Veterans Affairs thereafter, the Inspec-
7 tor General shall submit to the Committee on
8 Veterans' Affairs of the Senate, the Committee
9 on Veterans' Affairs of the House of Represent-
10 atives, and each Member of the Senate and the
11 House of Representatives who represents the
12 area in which the Campus is located a report on
13 all leases carried out at the Campus and the
14 management by the Department of the use of
15 land at the Campus, including an assessment of
16 the efforts of the Department to implement the
17 master plan described in subsection (g) with re-
18 spect to the Campus.

19 (B) CONSIDERATION OF ANNUAL RE-
20 PORT.—In preparing each report required by
21 subparagraph (A), the Inspector General shall
22 take into account the most recent report sub-
23 mitted to Congress by the Secretary under
24 paragraph (2).

1 (k) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed as a limitation on the authority
3 of the Secretary to enter into other agreements regarding
4 the Campus that are authorized by law and not incon-
5 sistent with this section.

6 (l) PRINCIPALLY BENEFIT VETERANS AND THEIR
7 FAMILIES DEFINED.—In this section the term “prin-
8 cipally benefit veterans and their families”, with respect
9 to services provided by a person or entity under a lease
10 of property or land-sharing agreement—

11 (1) means services—

12 (A) provided exclusively to veterans and
13 their families; or

14 (B) that are designed for the particular
15 needs of veterans and their families, as opposed
16 to the general public, and any benefit of those
17 services to the general public is distinct from
18 the intended benefit to veterans and their fami-
19 lies; and

20 (2) excludes services in which the only benefit
21 to veterans and their families is the generation of
22 revenue for the Department of Veterans Affairs.

23 (m) CONFORMING AMENDMENTS.—

24 (1) PROHIBITION ON DISPOSAL OF PROP-
25 erty.—Section 224(a) of the Military Construction

1 and Veterans Affairs and Related Agencies Appro-
2 priations Act, 2008 (Public Law 110–161; 121 Stat.
3 2272) is amended by striking “The Secretary of
4 Veterans Affairs” and inserting “Except as author-
5 ized under the Los Angeles Homeless Veterans
6 Leasing Act of 2016, the Secretary of Veterans Af-
7 fairs”.

8 (2) ENHANCED-USE LEASES.—Section 8162(c)
9 of title 38, United States Code, is amended by in-
10 sserting “, other than an enhanced-use lease under
11 the Los Angeles Homeless Veterans Leasing Act of
12 2016,” before “shall be considered”.

13 **SEC. 12. IMPROVEMENTS TO ENHANCED-USE LEASE AU-**
14 **THORITY OF DEPARTMENT OF VETERANS AF-**
15 **FAIRS.**

16 (a) PROHIBITION ON WAIVER OF OBLIGATION OF
17 LESSEE.—Paragraph (3) of section 8162(b) of title 38,
18 United States Code, is amended by adding at the following
19 new subparagraph:

20 “(D) The Secretary may not waive or postpone the
21 obligation of a lessee to pay any consideration under an
22 enhanced-use lease, including monthly rent.”.

23 (b) CLARIFICATION OF LIABILITY OF FEDERAL GOV-
24 ERNMENT TO THIRD PARTIES.—Section 8162 of such title

1 is amended by adding at the end the following new sub-
2 section:

3 “(d)(1) Nothing in this subchapter authorizes the
4 Secretary to enter into an enhanced-use lease that pro-
5 vides for, is contingent upon, or otherwise authorizes the
6 Federal Government to guarantee a loan made by a third
7 party to a lessee for purposes of the enhanced-use lease.

8 “(2) Nothing in this subchapter shall be construed
9 to abrogate or constitute a waiver of the sovereign immu-
10 nity of the United States with respect to any loan, financ-
11 ing, or other financial agreement entered into by the lessee
12 and a third party relating to an enhanced-use lease.”.

13 (c) TRANSPARENCY.—

14 (1) NOTICE.—Section 8163(c)(1) of such title
15 is amended—

16 (A) by inserting “and the Committees on
17 the Budget of the House of Representatives and
18 the Senate” after “congressional veterans’ af-
19 fairs committees”;

20 (B) by striking “and shall publish” and in-
21 serting “, shall publish”;

22 (C) by inserting before the period at the
23 end the following: “, and shall submit to the
24 congressional veterans’ affairs committees a
25 copy of the proposed lease”; and

1 (D) by adding at the end the following new
2 sentence: “With respect to a major enhanced-
3 use lease, upon the request of the congressional
4 veterans’ affairs committees, not later than 30
5 days after the date of such notice, the Secretary
6 shall testify before the committees on the major
7 enhanced-use lease, including with respect to
8 the status of the lease, the cost, and the plans
9 to carry out the activities under the lease. The
10 Secretary may not delegate such testifying
11 below the level of the head of the Office of
12 Asset Enterprise Management of the Depart-
13 ment or any successor to such office.”.

14 (2) ANNUAL REPORTS.—Section 8168 of such
15 title is amended—

16 (A) by striking “to Congress” each place it
17 appears and inserting “to the congressional vet-
18 erans’ affairs committees and the Committees
19 on the Budget of the House of Representatives
20 and the Senate”;

21 (B) in subsection (a)—

22 (i) by striking “Not later” and insert-
23 ing “(1) Not later”;

24 (ii) by striking “a report” and all that
25 follows through the period at the end and

1 inserting “a report on enhanced-use
2 leases.”; and

3 (iii) by adding at the end the fol-
4 lowing new paragraph:

5 “(2) Each report under paragraph (1) shall include
6 the following:

7 “(A) Identification of the actions taken by the
8 Secretary to implement and administer enhanced-use
9 leases.

10 “(B) For the most recent fiscal year covered by
11 the report, the amounts deposited into the Medical
12 Care Collection Fund account that were derived
13 from enhanced-use leases.

14 “(C) Identification of the actions taken by the
15 Secretary using the amounts described in subpara-
16 graph (B).

17 “(D) Documents of the Department supporting
18 the contents of the report described in subpara-
19 graphs (A) through (C).”; and

20 (C) in subsection (b)—

21 (i) by striking “Each year” and in-
22 serting “(1) Each year”;

23 (ii) by striking “this subchapter,” and
24 all that follows through the period at the
25 end and inserting “this subchapter.”; and

1 (iii) by adding at the end the fol-
2 lowing new paragraph:

3 “(2) Each report under paragraph (1) shall include
4 the following with respect to each enhanced-use lease cov-
5 ered by the report:

6 “(A) An overview of how the Secretary is using
7 consideration received by the Secretary under the
8 lease to support veterans.

9 “(B) The amount of consideration received by
10 the Secretary under the lease.

11 “(C) The amount of any revenues collected by
12 the Secretary relating to the lease not covered by
13 subparagraph (B), including a description of any in-
14 kind assistance or services provided by the lessee to
15 the Secretary or to veterans under an agreement en-
16 tered into by the Secretary pursuant to any provi-
17 sion of law.

18 “(D) The costs to the Secretary of carrying out
19 the lease.

20 “(E) Documents of the Department supporting
21 the contents of the report described in subpara-
22 graphs (A) through (D).”.

23 (d) ADDITIONAL DEFINITIONS.—Section 8161 of
24 such title is amended by adding at the end the following
25 new paragraphs:

1 “(4) The term ‘lessee’ means the party with
2 whom the Secretary has entered into an enhanced-
3 use lease under this subchapter.

4 “(5) The term ‘major enhanced-use lease’
5 means an enhanced-use lease that includes consider-
6 ation consisting of an average annual rent of more
7 than \$10,000,000.”.

8 (e) COMPTROLLER GENERAL AUDIT.—

9 (1) REPORT.—Not later than 270 days after
10 the date of the enactment of this Act, the Comp-
11 troller General of the United States shall submit to
12 the appropriate congressional committees a report
13 containing an audit of the enhanced-use lease pro-
14 gram of the Department of Veterans Affairs under
15 subchapter V of chapter 81 of title 38, United
16 States Code.

17 (2) MATTERS INCLUDED.—The report under
18 paragraph (1) shall include the following:

19 (A) The financial impact of the enhanced-
20 use lease authority on the Department of Vet-
21 erans Affairs and whether the revenue realized
22 from such authority and other financial benefits
23 would have been realized without such author-
24 ity.

1 (B) The use by the Secretary of such au-
2 thority and whether the arrangements made
3 under such authority would have been made
4 without such authority.

5 (C) An identification of the controls that
6 are in place to ensure accountability and trans-
7 parency and to protect the Federal Govern-
8 ment.

9 (D) An overall assessment of the activities
10 of the Secretary under such authority to ensure
11 procurement cost avoidance, negotiated cost
12 avoidance, in-contract cost avoidance, and rate
13 reductions.

14 (3) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this subsection, the term “ap-
16 propriate congressional committees” means—

17 (A) the Committees on Veterans’ Affairs of
18 the House of Representatives and the Senate;
19 and

20 (B) the Committees on the Budget of the
21 House of Representatives and the Senate.

